Confidential

Scott. II 17--45,000--15-11-35

Home (1936) Department.

Mio SERIES.

G.O. No. 1810

DATED 17-8-1936

[Despatch Abstract.]

Legislative Council - Budget Debates - General discussions.
Search of the sub judge's court, Mangalore by the District
Judge - ~~papers~~ notes - recorded -

Law (Gl) Department.

Extract from the notes of H.M.C.l on Budget Debates

x x x x x x

Mr. Bhatt urged that the recent search of the Sub-Court of Mangalore conducted by the District Judge in the presence of the District Magistrate who was a party to the suit in that Court had a very bad effect and affects the independence of the subordinate judiciary and will over-awe them. He wanted the Law Member to make a statement on the subject so that the confidence of the public in the independence of the judiciary might not be distributed

x x x x

I shall be glad if notes are prepared on the above points.

The above extract may be sent to Pub.(Spl) with reference to H.M.C.l's note above.

29.2.36.

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29.2.36

Public (Special)

Assistant Secretary 140/3 24. 29 FEB 1936 Public Dept.

6001

Pub(Spl) Dept.

Please see Home extracts of notes above. Our No 396 Pub(Spl) dated 20.2.1936 re-marks and papers relating to the Civil-

against Mr E. M. Lacon I.C.S. for the recovery of house rent were recorded is submitted at flag (I) There are no papers in office about the search of the Sub judges Court by the district judge in connection with the suit. It is for the Law dept to note on the powers of a district judge to search or inspect the Sub-judges Court. Submitted that the file may be returned to Law who may be requested to circulate the case to H H C 3 also.

I request the file please

A

Ad 21/3/56

D.S. has returned these papers in an S.C. Case. The Judge acted under the orders of the High Court. D.C. accompanied him.

2/3/56.

B Q

No C.S.

The Judge acted under the orders of the High Court. We have no information as to why Mr. Lacon accompanied the Judge but on conjecture it may have been for the purpose of identifying documents concerned in the suit to which he was a party.

part. The suggestion that Mr Jaswant accompanied the D. Jud. in his capacity as D. Magt to overawe the parties during anything of that sort is ridiculous

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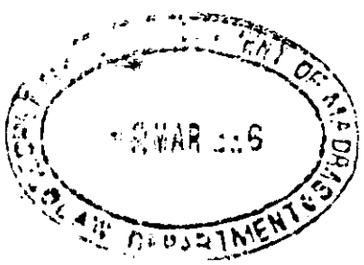
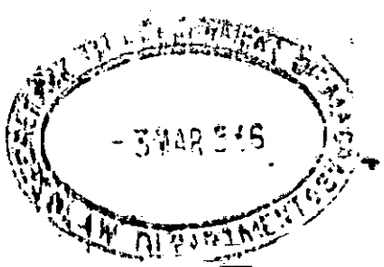


Law

The action complained of was not taken under the orders of Government.

23/6

Seen by HM



I said so already in the Record. I added that Local Government no official reference can be called

4/3

HOME (E)DEPARTMENT.

A.S.

The following is the extract of the Council Proceedings regarding the "General Budget Discussions":-

P.T.O.

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Mr.U.C. Subramanya Bhatt.

23/17/9

'Then again, Sir, I do not know how far I would be discreet in referring to the incidents in the Sub-Court of South Kanara on the 9th December being myself a practitioner there. We have got the highest regard for the judicial system in this Presidency and in other parts of British India. In fact, this judicial system in India is the finest contribution that the British administration is responsible for. Apart from stray instances here and there which only proves the contrary the judicial system has maintained its integrity in a remarkable manner and we wish, Sir, that this noble institution maintains its integrity unimpaired."

The DEPUTY PRESIDENT:—" May I remind the hon. Member about the time? He has exceeded the time limit by one minute."

Mr. U. C. SUBRAHMANYA BHATT:—" I do not wish to take much time of the House. "

" Sir, the incident that has taken place, viz., the search of the subcourt by the District Judge in the company of the District Magistrate who was himself a party in a suit in his private capacity and the taking away of the records in that case are calculated to overawe the judiciary and have caused grave apprehensions in the minds of the public. There might be nothing wrong in all these; but so far as the public are concerned, these have given rise to a feeling that the executive has been trying to overawe the judiciary. I do not know under what circumstances such an incident took place. Whether the District Magistrate, when he complained to the High Court, disclosed the fact that he was himself in his private capacity a party to the suit or whether the High Court ordered the taking away of the papers by the District Judge in the presence of the District Magistrate and whether the High Court sent the order of search through the District Magistrate and not directly to the Judge, are points requiring elucidation. I have made a reference to this matter so that the Hon. the Law Member may make a statement so that the public apprehensions may be removed and the dignity of the judiciary may be maintained and the integrity of the judicial officer concerned be vindicated "

The Hon'ble the Law Member

" I shall now proceed to the next point, and that was raised by my Friend Mr. Bhatt. He has asked me to make a statement regarding certain incidents that would seem to have taken place in the Sub-Court of Mangalore. I regret to tell him that Government have no information on the subject—at least no official information. I cannot therefore make any statement. I can only say that the District Judge did not act on the orders of this Government. But as the hon. Member is fully aware, the District Judge has got the power of inspecting any court subordinate to him and the Sub-Judge's Court at Mangalore is one such Court.

Order compl
mrs 1810 recorded
17.8.36

15/8

Mr 14/8

Legislative Council
Budget debate - General discussion - Searching the Sub-Judge's Court, Mangalore by the Dt Judge - papers mrs - recorded.